

Informational Testimony of Jane Smilie, Administrator, Public Health & Safety Division, DPHHS on 7
 HB 470: An Act Appropriating \$1M Each Year of the Biennium for Asbestos Related Disease 4-4-07
 Date HB 407

We understand the sponsor's intention to get financial assistance for health care to persons with asbestos-related disease (ARD) in the Libby area. We have no issue with what this bill is trying to accomplish.

In fact, during the last biennium, the Department worked with the Libby community to implement similar legislation. HB 740 was passed in 2005 and allocated funds to the Department to provide to Lincoln County for a variety of services for residents with ARD. The Department took no administrative costs, we simply passed the funding through to the county. I've attached a copy of that bill to my testimony. Apparently, this bill is considered "special legislation."

In our initial conversation with Rep. Vincent, we understood his intention was to do the same with these funds...simply pass them through to the Libby Asbestos Medical Plan. In fact, the short title on the LAWS system still reads: Allocate funds to Libby asbestos medical plan.

However, the bill has changed significantly due to issues raised by legislative services about the legality of having something called a "special bill" that provides a direct appropriation, when a "general bill" will suffice. The bill as drafted is considered a "general bill." We are not comfortable that we will be able to implement the bill as Rep Vincent intends it to be, as a direct pass through to the county, then to the LAMP.

If passed, the Department will have to work with the language as it stands.

Therefore, I bring your attention to technical concerns we have with the bill as drafted.

1. As written, other boards of health could claim eligibility for these funds since persons with ARD from the Libby area are living elsewhere in the state – even if these counties do not currently have a program like the Libby Asbestos Medical Program.
2. The Department could be in a position of defining for Lincoln and other counties what such a program might look – in terms of eligibility, allowable costs and reporting requirements -- since some of the terms used in the bill are vague and there are no grant parameters specified. In other words, we would be charged with developing a supplemental health benefit plan.
3. This bill would take a significant administrative process to determine what third-party coverage a participant might have and then to determine allowable costs – yet there are no administrative costs allowed in the current language for either the state or county programs.
4. The Department must report on the number of participants served and the funding used by each for fiscal year 2008 by June 30, 2008, the last day of the fiscal year. It would be impossible to gather such information and report it by the last day of the period. There is no reporting required in the second year of the biennium, and overall very limited accountability for the use of these funds.
5. The Department is to project the funds needed for services for participants in future years. Given our capacities and patient confidentiality issues, we could only ask the county programs to give us such an estimate.
6. If the legislative intent for these funds is that they go to the LAMP program, yet the department is required to distribute them as grant funds to any eligible county, accomplishing the legislative intent could present a significant legal liability for the Department.

Again, we understand the intention of this bill and we will do whatever we can to ensure its successful implementation if passed. But we are concerned about our ability to do this as the bill is currently drafted.

HOUSE BILL NO. 407

INTRODUCED BY C. VINCENT, ANKNEY, CURTISS, HEINERT, HIMMELBERGER, LANGE, MALCOLM,
STAHL

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING ~~\$3 MILLION~~ \$1 MILLION FOR THE 2008 FISCAL YEAR AND \$1 MILLION FOR THE 2009 FISCAL YEAR FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, PUBLIC HEALTH AND SAFETY DIVISION, FOR GRANTS TO COUNTY HEALTH BOARDS IN COUNTIES THAT HAVE EXPERIENCED A PROLIFERATION OF TREMOLITE ASBESTOS-RELATED DISEASES FOR ASBESTOS-RELATED DISEASE PROGRAMS THAT SUPPLEMENT HEALTH CARE PLANS AND PROVIDE SCREENING; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, ongoing litigation with W.R. Grace & Company and delays at the federal level in approving asbestos-related legislation put future funding for programs that assist those exposed to asbestos in jeopardy; and

WHEREAS, programs providing annual screening benefits to individuals exposed to asbestos and supplementing the health care needs of individuals diagnosed with asbestos-related diseases have limited funding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Appropriation. There is appropriated ~~for the 2009 biennium \$3 million~~ \$1 MILLION FOR THE 2008 FISCAL YEAR AND \$1 MILLION FOR THE 2009 FISCAL YEAR from the general fund to the department of public health and human services, public health and safety division. The money may be used only for grants to COUNTY HEALTH BOARDS IN COUNTIES THAT HAVE EXPERIENCED A PROLIFERATION OF TREMOLITE ASBESTOS-RELATED DISEASES FOR programs that pay certain costs associated with annual screenings for asbestos-related diseases and that assist individuals who have a positive result as determined by a qualified physician for asbestos-related diseases and who have medical needs that are not fully covered by a governmental, group, or individual health care plan. AT THE END OF THE 2008 FISCAL YEAR, THE DEPARTMENT SHALL PREPARE A REPORT OUTLINING THE NUMBER OF PARTICIPANTS ASSISTED THROUGH THE GRANT PROGRAM, THE AMOUNT OF FUNDING NEEDED BY EACH PARTICIPANT, AND THE ESTIMATED FUNDING NEEDED TO PAY THE FUTURE COSTS OF

1 PARTICIPANTS. IF THE REPORT IS NOT RECEIVED BY THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM
2 COMMITTEE, PURSUANT TO 5-5-225, BY JUNE 30, 2008, THE FISCAL YEAR 2009 APPROPRIATION IS VOID.

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4 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2007.

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